

FOR the purpose of deleting the requirement for an independent environmental impact study by a certain organization with the concurrence of the AELR Committee of the General Assembly before reclassification of submerged areas of the State to clam bars; and requiring the Department of Natural Resources to perform this study based on certain information; and requiring the Department to carry out a certain study for certain counties, in cooperation with qualified scientific organizations.

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 4-1102(a)
Annotated Code of Maryland
(1974 Volume and 1979 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Natural Resources

4-1102.

(a) (1) The Department may resurvey any submerged area of the State to determine the position and extent of any natural oyster or clam bar and barren bottom. If the Department finds, upon resurvey, that any natural oyster or clam bar is located incorrectly on existing charts, or that the existing charts do not reflect the actual condition of submerged lands, the Department shall amend the existing charts or prepare new charts. In addition, the Department shall mark as accurately as possible the correct location and bounds of each natural oyster or clam bar, then existing in the area being surveyed, on any amended or new chart.

(2) A reclassification of submerged areas of the State to clam bars may not be made unless an environmental impact study indicates that a hydraulic clam dredge will not impair the bottom or adversely affect other marine life. [The environmental impact study shall be performed by an independent professional organization to be selected by the Department, with the concurrence of the Joint Standing Committee on Administrative, Executive, and Legislative Review of the General Assembly.] THE DEPARTMENT SHALL PERFORM THE ENVIRONMENTAL IMPACT STUDY BASED ON SURVEY DATA, PUBLIC HEARINGS, AND OTHER AVAILABLE INFORMATION. AN INITIAL ENVIRONMENTAL IMPACT STUDY SHALL BE CARRIED OUT BY THE DEPARTMENT, IN COOPERATION WITH QUALIFIED SCIENTIFIC ORGANIZATIONS, FOR RECLASSIFICATION ACTIONS AT SITES IN THE WATERS OF ANNE ARUNDEL, CALVERT, KENT, QUEEN ANNE'S, AND ST. MARY'S COUNTIES TO EVALUATE THE ENVIRONMENTAL IMPACT OF HYDRAULIC CLAM DREDGING.